

2



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/814,622 | 03/22/2001 | Mark E. Cannon | CANN-0208 | 3984 |

7590 02/20/2004
 Schmeiser, Olsen & Watts LLP
 18 East University Drive, #101
 Mesa, AZ 85201

EXAMINER

FLEURANTIN, JEAN B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2172

DATE MAILED: 02/20/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/814,622

Applicant(s)

CANNON, MARK E. 

Examiner

Jean B Fleurantin

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 12,14-22 and 88-118.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


ALFORD KINDRED
PRIMARY EXAMINER

Continuation of 2. NOTE: Claim 12, recited before the amendment: A computer system for optimizing and advertising schedule the computer system comprising: a CPU; a memory coupled to the CPU; a database residing in the memory, the database containing a plurality of audience member data, the plurality of audience member data indicating exposure of each corresponding audience member to at least one of media and advertisements; a database mining engine residing in the memory; and a user interface residing in the memory and being executed by the CPU, wherein the user interface provides a plurality of choices for improving and optimizing an advertising plan for presentation to a plurality of audience members according to a plurality of indices.

As amended: A computer system for optimizing and advertising schedule for an advertisement message, the computer system comprising: a CPU; a memory coupled to the CPU; a database residing in the memory, the database containing a plurality of audience member data, the plurality of audience member data indicating exposure of each corresponding audience member to at least one of media and advertisements for the message; a database mining engine residing in the memory; and a user interface residing in the memory and being executed by the CPU, wherein the user interface provides a plurality of choices for improving and optimizing an advertising plan for the message within an advertising schedule for the message, which plan is characterized for presentation to a plurality of audience members according to a plurality of indices.

Claim 15, recited before the amendment: A program product comprising: an advertising plan optimization mechanism the advertising plan optimization mechanism iteratively modifying an advertising plan to achieve one of an improved and an optimal advertising plan; and signal bearing media bearing the advertising optimization mechanism

As amended: A program product comprising: an advertising plan optimization mechanism for generating a plan for providing an advertisement message to a preselected group of potential message recipients, the advertising plan optimization mechanism [iteratively] modifying an advertising plan for advertising the message to the preselected group within an advertising schedule and evaluating a resulting advertising plan to achieve one of an improved and an optimal advertising plan for the message; and signal bearing media bearing the advertising optimization mechanism